

USSN: 10/018,290
Attorney Docket No: 3153.00108

1648
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Panaccio, et al.

Serial No. 10/018,290 Group Art Unit: 1648

Filed: 04-16-02 Examiner: LUCAS, Zachariah

For: LAWSONIA DERIVED GENE AND RELATED
OMPH POLYPEPTIDES, PEPTIDES AND PROTEINS
AND THEIR USES

Attorney Docket No: 3153.00108

AMENDMENT

MAIL STOP NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated June 15, 2004, Paper Number 20040603. Applicant hereby petitions for a two-month extension of time within which to respond to the outstanding Office Action. Granting the petition would extend the time for filing the Response to November 15, 2004. The appropriate petition fee of \$420.00 is enclosed herewith. Please amend the present application consistent with the following instructions attached hereto:

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the provisions of the Budapest Treaty and that all restrictions upon public access to the deposit will be irrevocably removed upon the grant of a patent on the present application. As a result, reconsideration of the rejection is respectfully requested.

Claims 21 and 39 have been rejected under 35 U.S.C. §112, first paragraph for lack of enablement. Additionally, claims 21 and 39 have been rejected under 35 U.S.C. §112, first paragraph, for lack of written description. Since these claims have been canceled from the present application in order to expedite the allowance of the present application, the rejections have been rendered moot.

In summary, as a result of the present amendment, the present application is now in condition for allowance, which allowance is respectfully requested. If any remaining issues exist, Applicants respectfully request to be contacted by telephone at (248) 539-5050.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

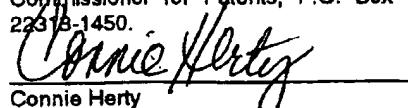
Respectfully submitted,
KOHN & ASSOCIATES, PLLC

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Mailing Label No.: EV508826833US
Date of Deposit: November 15, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop: Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Connie Herty